



House of Representatives

General Assembly

File No. 174

February Session, 2022

Substitute House Bill No. 5147

House of Representatives, March 29, 2022

The Committee on General Law reported through REP. D'AGOSTINO of the 91st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING PHYSICIAN ASSISTANTS AND THE PALLIATIVE USE OF MARIJUANA.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-408 of the 2022 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective January 1, 2023*):

4 As used in this section, sections 21a-408a to 21a-408o, inclusive, as
5 amended by this act, and sections 21a-408r to 21a-408v, inclusive, unless
6 the context otherwise requires:

7 (1) "Advanced practice registered nurse" means an advanced practice
8 registered nurse licensed pursuant to chapter 378;

9 (2) "Cannabis establishment" has the same meaning as provided in
10 section 21a-420;

11 (3) "Cultivation" includes planting, propagating, cultivating, growing
12 and harvesting;

13 (4) "Debilitating medical condition" means (A) cancer, glaucoma,
14 positive status for human immunodeficiency virus or acquired immune
15 deficiency syndrome, Parkinson's disease, multiple sclerosis, damage to
16 the nervous tissue of the spinal cord with objective neurological
17 indication of intractable spasticity, epilepsy or uncontrolled intractable
18 seizure disorder, cachexia, wasting syndrome, Crohn's disease,
19 posttraumatic stress disorder, irreversible spinal cord injury with
20 objective neurological indication of intractable spasticity, cerebral palsy,
21 cystic fibrosis or terminal illness requiring end-of-life care, except, if the
22 qualifying patient is under eighteen years of age, "debilitating medical
23 condition" means terminal illness requiring end-of-life care, irreversible
24 spinal cord injury with objective neurological indication of intractable
25 spasticity, cerebral palsy, cystic fibrosis, severe epilepsy or uncontrolled
26 intractable seizure disorder, or (B) any medical condition, medical
27 treatment or disease approved for qualifying patients by the
28 Department of Consumer Protection and posted online pursuant to
29 section 21a-408/;

30 (5) "Dispensary facility" means a place of business where marijuana
31 may be dispensed, sold or distributed in accordance with this chapter
32 and any regulations adopted thereunder to qualifying patients and
33 caregivers and for which the department has issued a dispensary facility
34 license pursuant to this chapter;

35 (6) "Employee" has the same meaning as provided in section 21a-420;

36 (7) "Institutional animal care and use committee" means a committee
37 that oversees an organization's animal program, facilities and
38 procedures to ensure compliance with federal policies, guidelines and
39 principles related to the care and use of animals in research;

40 (8) "Institutional review board" means a specifically constituted
41 review body established or designated by an organization to protect the
42 rights and welfare of persons recruited to participate in biomedical,
43 behavioral or social science research;

44 (9) "Laboratory" means a laboratory located in the state that is

45 licensed by the department to provide analysis of marijuana and that
46 meets the licensure requirements set forth in section 21a-246, as
47 amended by this act;

48 (10) "Laboratory employee" means a person who is registered as a
49 laboratory employee pursuant to section 21a-408r;

50 (11) "Licensed dispensary" or "dispensary" means an individual who
51 is a licensed pharmacist employed by a dispensary facility or hybrid
52 retailer;

53 (12) "Producer" means a person who is licensed as a producer
54 pursuant to section 21a-408i;

55 (13) "Marijuana" means marijuana, as defined in section 21a-240;

56 (14) "Nurse" means a person who is licensed as a nurse under chapter
57 378;

58 (15) "Palliative use" means the acquisition, distribution, transfer,
59 possession, use or transportation of marijuana or paraphernalia relating
60 to marijuana, including the transfer of marijuana and paraphernalia
61 relating to marijuana from the patient's caregiver to the qualifying
62 patient, to alleviate a qualifying patient's symptoms of a debilitating
63 medical condition or the effects of such symptoms, but does not include
64 any such use of marijuana by any person other than the qualifying
65 patient;

66 (16) "Paraphernalia" means drug paraphernalia, as defined in section
67 21a-240;

68 (17) "Physician" means a person who is licensed as a physician under
69 chapter 370; [but does not include a physician assistant, as defined in
70 section 20-12a;]

71 (18) "Physician assistant" means a person who is licensed as a
72 physician assistant under chapter 370;

73 [(18)] (19) "Caregiver" means a person, other than the qualifying

74 patient and the qualifying patient's physician, physician assistant or
75 advanced practice registered nurse, who is eighteen years of age or older
76 and has agreed to undertake responsibility for managing the well-being
77 of the qualifying patient with respect to the palliative use of marijuana,
78 provided (A) in the case of a qualifying patient (i) under eighteen years
79 of age and not an emancipated minor, or (ii) otherwise lacking legal
80 capacity, such person shall be a parent, guardian or person having legal
81 custody of such qualifying patient, and (B) in the case of a qualifying
82 patient eighteen years of age or older or an emancipated minor, the need
83 for such person shall be evaluated by the qualifying patient's physician,
84 physician assistant or advanced practice registered nurse and such need
85 shall be documented in the written certification;

86 [(19)] (20) "Qualifying patient" means a person who: (A) Is a resident
87 of Connecticut, (B) has been diagnosed by a physician, physician
88 assistant or [an] advanced practice registered nurse as having a
89 debilitating medical condition, and (C) (i) is eighteen years of age or
90 older, (ii) is an emancipated minor, or (iii) has written consent from a
91 custodial parent, guardian or other person having legal custody of such
92 person that indicates that such person has permission from such parent,
93 guardian or other person for the palliative use of marijuana for a
94 debilitating medical condition and that such parent, guardian or other
95 person will (I) serve as a caregiver for the qualifying patient, and (II)
96 control the acquisition and possession of marijuana and any related
97 paraphernalia for palliative use on behalf of such person. "Qualifying
98 patient" does not include an inmate confined in a correctional institution
99 or facility under the supervision of the Department of Correction;

100 [(20)] (21) "Research program" means a study approved by the
101 Department of Consumer Protection in accordance with this chapter
102 and undertaken to increase information or knowledge regarding the
103 growth or processing of marijuana, or the medical attributes, dosage
104 forms, administration or use of marijuana to treat or alleviate symptoms
105 of any medical conditions or the effects of such symptoms;

106 [(21)] (22) "Research program employee" means a person who (A) is

107 registered as a research program employee under section 21a-408t, or
108 (B) holds a temporary certificate of registration issued pursuant to
109 section 21a-408t;

110 [(22)] (23) "Research program subject" means a person registered as a
111 research program subject pursuant to section 21a-408v;

112 [(23)] (24) "Usable marijuana" means the dried leaves and flowers of
113 the marijuana plant, and any mixtures or preparations of such leaves
114 and flowers, that are appropriate for the palliative use of marijuana, but
115 does not include the seeds, stalks and roots of the marijuana plant; and

116 [(24)] (25) "Written certification" means a written certification issued
117 by a physician, physician assistant or [an] advanced practice registered
118 nurse pursuant to section 21a-408c, as amended by this act.

119 Sec. 2. Section 21a-408a of the 2022 supplement to the general statutes
120 is repealed and the following is substituted in lieu thereof (*Effective*
121 *January 1, 2023*):

122 (a) A qualifying patient shall register with the Department of
123 Consumer Protection pursuant to section 21a-408d, as amended by this
124 act, prior to engaging in the palliative use of marijuana. A qualifying
125 patient who has a valid registration certificate from the Department of
126 Consumer Protection pursuant to subsection (a) of section 21a-408d, as
127 amended by this act, and complies with the requirements of sections
128 21a-408 to 21a-408m, as amended by this act, inclusive, shall not be
129 subject to arrest or prosecution, penalized in any manner, including, but
130 not limited to, being subject to any civil penalty, or denied any right or
131 privilege, including, but not limited to, being subject to any disciplinary
132 action by a professional licensing board, for the palliative use of
133 marijuana if:

134 (1) The qualifying patient's physician, physician assistant or
135 advanced practice registered nurse has issued a written certification to
136 the qualifying patient for the palliative use of marijuana after the
137 physician, physician assistant or advanced practice registered nurse has

138 prescribed, or determined it is not in the best interest of the patient to
139 prescribe, prescription drugs to address the symptoms or effects for
140 which the certification is being issued;

141 (2) The combined amount of marijuana possessed by the qualifying
142 patient and the caregiver for palliative use does not exceed five ounces;

143 (3) The qualifying patient has not more than one caregiver at any
144 time; and

145 (4) Any cannabis plants grown by the qualifying patient in his or
146 home is in compliance with subsection (b) of section 21a-408d, as
147 amended by this act, and any applicable regulations.

148 (b) The provisions of subsection (a) of this section do not apply to:

149 (1) Any palliative use of marijuana that endangers the health or well-
150 being of a person other than the qualifying patient or the caregiver; or

151 (2) The ingestion of marijuana (A) in a motor bus or a school bus or
152 in any other moving vehicle, (B) in the workplace, (C) on any school
153 grounds or any public or private school, dormitory, college or university
154 property, unless such college or university is participating in a research
155 program and such use is pursuant to the terms of the research program,
156 (D) in any public place, or (E) in the presence of a person under the age
157 of eighteen, unless such person is a qualifying patient or research
158 program subject. For the purposes of this subdivision, (i) "presence"
159 means within the direct line of sight of the palliative use of marijuana or
160 exposure to second-hand marijuana smoke, or both; (ii) "public place"
161 means any area that is used or held out for use by the public whether
162 owned or operated by public or private interests; (iii) "vehicle" means a
163 vehicle, as defined in section 14-1; (iv) "motor bus" means a motor bus,
164 as defined in section 14-1; and (v) "school bus" means a school bus, as
165 defined in section 14-1.

166 Sec. 3. Section 21a-408c of the 2022 supplement to the general statutes
167 is repealed and the following is substituted in lieu thereof (*Effective*
168 *January 1, 2023*):

169 (a) A physician, physician assistant or [an] advanced practice
170 registered nurse may issue a written certification to a qualifying patient
171 that authorizes the palliative use of marijuana by the qualifying patient.
172 Such written certification shall be in the form prescribed by the
173 Department of Consumer Protection and shall include a statement
174 signed and dated by the qualifying patient's physician, physician
175 assistant or advanced practice registered nurse stating that, in such
176 physician's, physician assistant's or advanced practice registered nurse's
177 professional opinion, the qualifying patient has a debilitating medical
178 condition and the potential benefits of the palliative use of marijuana
179 would likely outweigh the health risks of such use to the qualifying
180 patient.

181 (b) Any written certification for the palliative use of marijuana issued
182 by a physician, physician assistant or [an] advanced practice registered
183 nurse under subsection (a) of this section shall be valid for a period not
184 to exceed one year from the date such written certification is signed and
185 dated by the physician, physician assistant or advanced practice
186 registered nurse. Not later than ten calendar days after the expiration of
187 such period, or at any time before the expiration of such period should
188 the qualifying patient no longer wish to possess marijuana for palliative
189 use, the qualifying patient or the caregiver shall destroy all usable
190 marijuana possessed by the qualifying patient and the caregiver for
191 palliative use.

192 (c) A physician, physician assistant or [an] advanced practice
193 registered nurse shall not be subject to arrest or prosecution, penalized
194 in any manner, including, but not limited to, being subject to any civil
195 penalty, or denied any right or privilege, including, but not limited to,
196 being subject to any disciplinary action by the Connecticut Medical
197 Examining Board, the Connecticut State Board of Examiners for Nursing
198 or other professional licensing board, for providing a written
199 certification for the palliative use of marijuana under subdivision (1) of
200 subsection (a) of section 21a-408a, as amended by this act, if:

201 (1) The physician, physician assistant or advanced practice registered

202 nurse has diagnosed the qualifying patient as having a debilitating
203 medical condition;

204 (2) The physician, physician assistant or advanced practice registered
205 nurse has explained the potential risks and benefits of the palliative use
206 of marijuana to the qualifying patient and, if the qualifying patient lacks
207 legal capacity, to a parent, guardian or person having legal custody of
208 the qualifying patient;

209 (3) The written certification issued by the physician, physician
210 assistant or advanced practice registered nurse is based upon the
211 physician's, physician assistant's or advanced practice registered nurse's
212 professional opinion after having completed a medically reasonable
213 assessment of the qualifying patient's medical history and current
214 medical condition made in the course of a bona fide health care
215 professional-patient relationship; and

216 (4) The physician, physician assistant or advanced practice registered
217 nurse has no financial interest in a cannabis establishment, except for
218 retailers and delivery services, as such terms are defined in section 21a-
219 420.

220 (d) A physician assistant or nurse shall not be subject to arrest or
221 prosecution, penalized in any manner, including, but not limited to,
222 being subject to any civil penalty, or denied any right or privilege,
223 including, but not limited to, being subject to any disciplinary action by
224 the Connecticut Medical Examining Board, Board of Examiners for
225 Nursing [,] or other professional licensing board, for administering
226 marijuana to a qualifying patient or research program subject in a
227 hospital or health care facility licensed by the Department of Public
228 Health.

229 (e) Notwithstanding the provisions of this section, sections 21a-408 to
230 21a-408b, inclusive, as amended by this act, and sections 21a-408d to
231 21a-408o, inclusive, as amended by this act, a physician assistant or an
232 advanced practice registered nurse shall not issue a written certification
233 to a qualifying patient when the qualifying patient's debilitating medical

234 condition is glaucoma.

235 Sec. 4. Section 21a-408d of the 2022 supplement to the general statutes
236 is repealed and the following is substituted in lieu thereof (*Effective*
237 *January 1, 2023*):

238 (a) Each qualifying patient who is issued a written certification for the
239 palliative use of marijuana under subdivision (1) of subsection (a) of
240 section 21a-408a, as amended by this act, and the caregiver of such
241 qualifying patient, shall register with the Department of Consumer
242 Protection. Such registration shall be effective from the date the
243 Department of Consumer Protection issues a certificate of registration
244 until the expiration of the written certification issued by the physician,
245 physician assistant or advanced practice registered nurse. The
246 qualifying patient and the caregiver shall provide sufficient identifying
247 information, as determined by the department, to establish the personal
248 identity of the qualifying patient and the caregiver. If the qualifying
249 patient is under eighteen years of age and not an emancipated minor,
250 the custodial parent, guardian or other person having legal custody of
251 the qualifying patient shall also provide a letter from both the qualifying
252 patient's care provider and a physician who is board certified in an area
253 of medicine involved in the treatment of the debilitating condition for
254 which the qualifying patient was certified that confirms that the
255 palliative use of marijuana is in the best interest of the qualifying
256 patient. A physician may issue a written certification for the palliative
257 use of marijuana by a qualifying patient who is under eighteen years of
258 age, provided such written certification shall not be for marijuana in a
259 dosage form that requires that the marijuana be smoked, inhaled or
260 vaporized. The qualifying patient or the caregiver shall report any
261 change in the identifying information to the department not later than
262 five business days after such change. The department shall issue a
263 registration certificate to the qualifying patient and to the caregiver and
264 may charge a reasonable fee, not to exceed twenty-five dollars, for each
265 registration certificate issued under this subsection. Any registration
266 fees collected by the department under this subsection shall be paid to
267 the State Treasurer and credited to the General Fund.

268 (b) Any qualifying patient who is eighteen years of age or older may
269 cultivate up to three mature cannabis plants and three immature
270 cannabis plants in the patient's primary residence at any given time,
271 provided such plants are secure from access by any individual other
272 than the patient or patient's caregiver and no more than twelve cannabis
273 plants may be grown per household.

274 (c) A dispensary shall not dispense any marijuana products in a
275 smokable, inhalable or vaporizable form to a qualifying patient who is
276 under eighteen years of age or such qualifying patient's caregiver.

277 (d) Information obtained under this section shall be confidential and
278 shall not be subject to disclosure under the Freedom of Information Act,
279 as defined in section 1-200, except that reasonable access to registry
280 information obtained under this section shall be provided to: (1) State
281 agencies, federal agencies and local law enforcement agencies for the
282 purpose of investigating or prosecuting a violation of law; (2)
283 physicians, physician assistants, advanced practice registered nurses
284 and pharmacists for the purpose of providing patient care and drug
285 therapy management and monitoring controlled substances obtained by
286 the qualifying patient; (3) public or private entities for research or
287 educational purposes, provided no individually identifiable health
288 information may be disclosed; (4) a licensed dispensary for the purpose
289 of complying with sections 21a-408 to 21a-408m, inclusive, as amended
290 by this act; (5) a qualifying patient, but only with respect to information
291 related to such qualifying patient or such qualifying patient's caregiver;
292 or (6) a caregiver, but only with respect to information related to such
293 caregiver's qualifying patient.

294 Sec. 5. Section 21a-408m of the 2022 supplement to the general
295 statutes is repealed and the following is substituted in lieu thereof
296 (*Effective January 1, 2023*):

297 (a) The Commissioner of Consumer Protection may adopt
298 regulations, in accordance with chapter 54, to establish (1) a standard
299 form for written certifications for the palliative use of marijuana issued
300 by physicians, physician assistants and advanced practice registered

301 nurses under subdivision (1) of subsection (a) of section 21a-408a, as
302 amended by this act, and (2) procedures for registrations under section
303 21a-408d, as amended by this act. Such regulations, if any, shall be
304 adopted after consultation with the Board of Physicians established in
305 section 21a-408l.

306 (b) The Commissioner of Consumer Protection shall adopt
307 regulations, in accordance with chapter 54, to establish a reasonable fee
308 to be collected from each qualifying patient to whom a written
309 certification for the palliative use of marijuana is issued under
310 subdivision (1) of subsection (a) of section 21a-408a, as amended by this
311 act, for the purpose of offsetting the direct and indirect costs of
312 administering the provisions of sections 21a-408 to 21a-408m, inclusive,
313 as amended by this act. The commissioner shall collect such fee at the
314 time the qualifying patient registers with the Department of Consumer
315 Protection under subsection (a) of section 21a-408d, as amended by this
316 act. Such fee shall be in addition to any registration fee that may be
317 charged under said subsection. The fees required to be collected by the
318 commissioner from qualifying patients under this subsection shall be
319 paid to the State Treasurer and credited to the General Fund.

320 (c) The Commissioner of Consumer Protection shall adopt or amend
321 regulations, as applicable, in accordance with chapter 54, to implement
322 the provisions of sections 21a-408 to 21a-408g, inclusive, as amended by
323 this act, and section 21a-408l. Notwithstanding the requirements of
324 sections 4-168 to 4-172, inclusive, in order to effectuate the purposes of
325 sections 21a-408 to 21a-408g, inclusive, as amended by this act, and
326 section 21a-408l, and protect public health and safety, prior to adopting
327 or amending such regulations the commissioner shall adopt policies and
328 procedures to implement the provisions of sections 21a-408 to 21a-408g,
329 inclusive, as amended by this act, and section 21a-408, as amended by
330 this act, that shall have the force and effect of law. The commissioner
331 shall post all policies and procedures on the department's Internet web
332 site, and submit such policies and procedures to the Secretary of the
333 State for posting on the eRegulations System, at least fifteen days prior
334 to the effective date of any policy or procedure. Any such policy or

335 procedure shall no longer be effective upon the earlier of either adoption
336 of such policies or procedures as a final regulation pursuant to section
337 4-172 or forty-eight months from October 1, 2021, if such policies or
338 procedures have not been submitted to the legislative regulation review
339 committee for consideration under section 4-170. Such policies and
340 procedures and regulations shall include, but not be limited to, how the
341 department shall:

342 (1) Accept applications for the issuance and renewal of registration
343 certificates for qualifying patients and caregivers;

344 (2) Establish criteria for adding medical conditions, medical
345 treatments or diseases to the list of debilitating medical conditions that
346 qualify for the palliative use of marijuana;

347 (3) Establish a petition process under which members of the public
348 may submit petitions, regarding the addition of medical conditions,
349 medical treatments or diseases to the list of debilitating medical
350 conditions;

351 (4) Establish requirements for the growing of cannabis plants by a
352 qualifying patient in his or her primary residence as authorized under
353 section 21a-408d, as amended by this act, including requirements for
354 securing such plants to prevent access by any individual other than the
355 patient or the patient's caregiver, the location of such plants and any
356 other requirements necessary to protect public health or safety;

357 (5) Develop a distribution system for marijuana for palliative use that
358 provides for:

359 (A) Marijuana production facilities within this state that are housed
360 on secured grounds and operated by producers;

361 (B) The transfer of marijuana between dispensary facilities; and

362 (C) Distribution of marijuana for palliative use to qualifying patients
363 or their caregivers by dispensary facilities, hybrid retailers and delivery
364 services, as such terms are defined in section 21a-420; and

365 (6) Ensure an adequate supply and variety of marijuana to dispensary
366 facilities and hybrid retailers to ensure uninterrupted availability for
367 qualifying patients, based on historical marijuana purchase patterns by
368 qualifying patients.

369 Sec. 6. Subsection (a) of section 21a-246 of the general statutes is
370 repealed and the following is substituted in lieu thereof (*Effective January*
371 *1, 2023*):

372 (a) No person within this state shall manufacture, wholesale,
373 repackage, supply, compound, mix, cultivate or grow, or by other
374 process produce or prepare, controlled substances without first
375 obtaining a license to do so from the Commissioner of Consumer
376 Protection and no person within this state shall operate a laboratory for
377 the purpose of research or analysis using controlled substances without
378 first obtaining a license to do so from the Commissioner of Consumer
379 Protection, except that such activities by pharmacists or pharmacies in
380 the filling and dispensing of prescriptions or activities incident thereto,
381 or the dispensing or administering of controlled substances by dentists,
382 podiatrists, physicians, physician assistants, advanced practice
383 registered nurses or veterinarians, or other persons acting under their
384 supervision, in the treatment of patients shall not be subject to the
385 provisions of this section, and provided laboratories for instruction in
386 dentistry, medicine, nursing, pharmacy, pharmacology and
387 pharmacognosy in institutions duly licensed for such purposes in this
388 state shall not be subject to the provisions of this section except with
389 respect to narcotic drugs and schedule I and II controlled substances.
390 Upon application of any physician or physician assistant licensed
391 pursuant to chapter 370, or an advanced practice registered nurse
392 licensed pursuant to chapter 378, the Commissioner of Consumer
393 Protection shall without unnecessary delay, (1) license such physician to
394 possess and supply marijuana for the treatment of glaucoma or the side
395 effects of chemotherapy, or (2) license such physician assistant or
396 advanced practice registered nurse to possess and supply marijuana for
397 the treatment of the side effects of chemotherapy. No person outside this
398 state shall sell or supply controlled substances within this state without

399 first obtaining a license to do so from the Commissioner of Consumer
400 Protection, provided no such license shall be required of a manufacturer
401 whose principal place of business is located outside this state and who
402 is registered with the federal Drug Enforcement Administration or other
403 federal agency, and who files a copy of such registration with the
404 appropriate licensing authority under this chapter.

405 Sec. 7. Section 21a-253 of the general statutes is repealed and the
406 following is substituted in lieu thereof (*Effective January 1, 2023*):

407 Any person may possess or have under his control a quantity of
408 marijuana less than or equal to that quantity supplied to him pursuant
409 to a prescription made in accordance with the provisions of section 21a-
410 249 by (1) a physician licensed under the provisions of chapter 370 and
411 further authorized by subsection (a) of section 21a-246, as amended by
412 this act, by the Commissioner of Consumer Protection to possess and
413 supply marijuana for the treatment of glaucoma or the side effects of
414 chemotherapy, or (2) a physician assistant licensed under the provisions
415 of chapter 370, or an advanced practice registered nurse licensed under
416 the provisions of chapter 378, and further authorized by subsection (a)
417 of section 21a-246, as amended by this act, by said commissioner to
418 possess and supply marijuana for the treatment of the side effects of
419 chemotherapy.

420 Sec. 8. Section 7 of public act 21-9 is repealed and the following is
421 substituted in lieu thereof (*Effective January 1, 2023*):

422 (a) As used in this section:

423 (1) "Advanced practice registered nurse" means an advanced practice
424 registered nurse licensed pursuant to chapter 378 of the general statutes;

425 (2) "Physician" has the same meaning as provided in section 21a-408
426 of the general statutes, as amended by this act;

427 (3) "Physician assistant" has the same meaning as provided in section
428 21a-408 of the general statutes, as amended by this act;

429 [(3)] (4) "Qualifying patient" has the same meaning as provided in
 430 section 21a-408 of the general statutes, as amended by this act; and

431 [(4)] (5) "Written certification" has the same meaning as provided in
 432 section 21a-408 of the general statutes, as amended by this act.

433 (b) Notwithstanding the provisions of sections 21a-408 to 21a-408n,
 434 inclusive, of the general statutes, as amended by this act, or any other
 435 section, regulation, rule, policy or procedure concerning the certification
 436 of medical marijuana patients, a physician, physician assistant or
 437 advanced practice registered nurse may issue a written certification to a
 438 qualifying patient and provide any follow-up care using telehealth
 439 services during the period beginning on the effective date of this section
 440 and ending on June 30, 2023, provided all other requirements for issuing
 441 the written certification to the qualifying patient and all recordkeeping
 442 requirements are satisfied.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>January 1, 2023</i>	21a-408
Sec. 2	<i>January 1, 2023</i>	21a-408a
Sec. 3	<i>January 1, 2023</i>	21a-408c
Sec. 4	<i>January 1, 2023</i>	21a-408d
Sec. 5	<i>January 1, 2023</i>	21a-408m
Sec. 6	<i>January 1, 2023</i>	21a-246(a)
Sec. 7	<i>January 1, 2023</i>	21a-253
Sec. 8	<i>January 1, 2023</i>	PA 21-9, Sec. 7

Statement of Legislative Commissioners:

In Section 6(a)(2), "advanced practice registered nurse or physician assistant" was changed to "physician assistant or advanced practice registered nurse" for consistency; and in section 7(2), "an advanced practice registered nurse licensed under the provisions of chapter 378 or a physician assistant licensed under the provisions of chapter 370" was changed to "a physician assistant licensed under the provisions of chapter 370, or an advanced practice registered nurse licensed under the provisions of chapter 378," for consistency.

GL *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill allows physician assistants to certify a patient for medical marijuana use resulting in no fiscal impact to the state or municipalities.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 5147*****AN ACT CONCERNING PHYSICIAN ASSISTANTS AND THE PALLIATIVE USE OF MARIJUANA.*****SUMMARY**

This bill extends to physician assistants (PAs) the ability to certify a patient for medical marijuana use (except for glaucoma). Existing law allows advance practice registered nurses (APRNs) and physicians to certify patients for medical marijuana use (only physicians can certify glaucoma patients).

Among other things, the bill allows PAs to:

1. diagnose a patient's qualifying debilitating condition, except the bill does not authorize PAs to certify marijuana use for glaucoma;
2. issue a written certification, for up to one year, for a patient to use medical marijuana after (a) completing a medically reasonable assessment of the patient's medical history and condition; (b) making the diagnosis that the palliative use of marijuana would likely outweigh the health risks; and (c) explaining the potential risks and benefits to the patient and parent or guardian of a patient lacking legal capacity;
3. until June 30, 2023, certify a qualifying patient's use of medical marijuana and provide follow-up care using telehealth if they comply with other statutory certification and recordkeeping requirements; and
4. possess and supply marijuana to treat side effects of chemotherapy.

The bill extends to PAs the same protections from civil, criminal, and

disciplinary liability that already apply to physicians and APRNs under the medical marijuana law. As is the case for physicians and APRNs, the bill prohibits PAs from having a financial interest in any cannabis establishment, except retailers and delivery services.

The bill also makes various minor, technical, and conforming changes.

EFFECTIVE DATE: January 1, 2023

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/15/2022)